

ESTTA Tracking number: **ESTTA605082**

Filing date: **05/19/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	American Express Marketing & Development Corp.
Granted to Date of previous extension	05/21/2014
Address	200 Vesey Street New York, NY 10285 UNITED STATES
Attorney information	David H. Bernstein Debevoise & Plimpton LLP 919 Third Avenue New York, NY 10022 UNITED STATES dhbernstein@debevoise.com,trademarks@debevoise.com,cwbaxter@debevoise.com

### Applicant Information

Application No	86025189	Publication date	01/21/2014
Opposition Filing Date	05/19/2014	Opposition Period Ends	05/21/2014
Applicant	Black Card LLC 250 Veronica Lane Jackson, WY 83001 UNITED STATES		

### Goods/Services Affected by Opposition

Class 036. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Financial services, namely, charge card, credit card and debit card services; credit card payment processing services; computerized credit verification, namely, evaluation of the credit worthiness of companies and private individuals, and financial risk management services; providing information in the fields of foreign currency; providing cash and other rebates for credit card use as part of a customer loyalty program

### Applicant Information

Application No	86017446	Publication date	01/21/2014
Opposition Filing Date	05/19/2014	Opposition Period Ends	
Applicant	Black Card LLC Suite 206 Jackson, WY 83001 UNITED STATES		

## Goods/Services Affected by Opposition

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## Grounds for Opposition

The mark is merely descriptive	Trademark Act section 2(e)(1)
The mark is deceptively misdescriptive	Trademark Act section 2(e)(1)

Attachments	Consolidated Opposition.pdf(1371876 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Overnight Courier on this date.

Signature	/Charles W. Baxter/
Name	Charles W. Baxter
Date	05/19/2014

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

-----X	
AMERICAN EXPRESS MARKETING & DEVELOPMENT CORP.,	: Opposition No. _____
	:
Opposer,	: Mark: MADE OF STAINLESS STEEL
	: Serial No.: 86/025,189
v.	: Filed: July 31, 2013
	: Published: January 21, 2014
	:
BLACK CARD LLC,	: Mark: HEAVY METAL
	: Serial No.: 86/017,446
Applicant.	: Filed: July 23, 2013
	: Published: January 21, 2014
	:
	: Consolidated Notice of Opposition
-----X	

Commissioner for Trademarks  
United States Patent and Trademark Office  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

**CONSOLIDATED NOTICE OF OPPOSITION**

American Express Marketing & Development Corp. (“AMEX”), a corporation organized under the laws of Delaware with its headquarters and principal place of business at 200 Vesey Street, New York, New York 10285, believes that it would be damaged by the registration of the marks MADE OF STAINLESS STEEL and HEAVY METAL (together, the “Marks”) by Applicant Black Card LLC (“Applicant”) and hereby opposes the same, by and through its attorneys Debevoise & Plimpton LLP, based upon the following grounds:

1. The services offered by Applicant in connection with the Marks are associated with its VISA BLACK CARD, a card that is stiff and heavy and noticeably

different from other plastic credit cards when handed over for payment, as it is made of stainless steel.

2. AMEX similarly offers credit card services, and among its offerings is its Centurion Card, also known as the BLACK CARD, which is made of titanium and is also stiff and heavy and noticeably different from other plastic credit cards when handed over for payment.

3. AMEX has licensed Applicant to use AMEX's registered service mark BLACKCARD (Reg. No. 3,613,898). Applicant's adoption of a metallic construction for its VISA BLACK CARD, and for the services offered in connection with the Marks, is currently the subject of a dispute between AMEX and Applicant.

4. In Application Number 86/025,189 and Application Number 86/017,446, Applicant seeks to register phrases that merely describe the metallic construction and physical attributes of the card associated with its credit card services.

5. The term sought to be registered by Applicant in Application Number 86/025,189, "made of stainless steel," is descriptive on its face, and is affirmatively used to describe countless products that are made of stainless steel available in the marketplace.

6. The U.S. Patent and Trademark Office routinely requires a disclaimer for descriptiveness where, as here, an "ingredient, quality, characteristic, function, feature, purpose or use of applicant's goods and/or services" is literally described by an aspect of the mark. *See, e.g.*, Application No. 85/154,727 (MADE WITH METAL – BY DIEHL); Application No. 73/557,933 (MARKETING TOOLS MADE OF STEEL); Application No. 85/278,821 (THIS CONTAINER IS MADE WITH 100% RECYCLED PLASTIC);

Application No. 74/384,904 (SCOTTISSUE RECYCLED MADE OF 100% RECYCLED PAPER); Application No. 85/339,758 (MADE WITH MILK).

7. The exact phrase “made of stainless steel” has already become widely used to describe another payment card recently offered by Starbucks. *See, e.g.,* Schuyler Velasco, *Starbucks \$450 steel card: class warfare in a coffee cup?*, *The Christian Science Monitor* (Dec. 5, 2012) (“Starbucks \$450 gift card is made of stainless steel and will only be available in limited quantities . . .”). A screenshot of the Internet article is attached as Exhibit A hereto (also available at <http://www.csmonitor.com/Business/2012/1205/Starbucks-450-steel-card-class-warfare-in-a-coffee-cup>).

8. Applicant is not the first card provider to offer a payment card made of heavy metal, nor, as indicated above, is it even the first to offer a card made of stainless steel.

9. As Applicant has sought registration for its purported mark, MADE OF STAINLESS STEEL, under Section 1(b) of the Lanham Act, 15 U.S.C. § 1051(b), asserting only an intent to use the mark, it cannot claim it has acquired distinctiveness in the mark.

10. To the extent Applicant has begun to use the purported MADE OF STAINLESS STEEL mark, its use has not been sufficient to acquire distinctiveness, and, as a matter of fact, it has not acquired distinctiveness.

11. On Applicant’s main Internet homepage for the card, the phrase is used in ways that confirm Applicant’s own purely descriptive use of the purported mark. For example, under the heading “The Ultimate Buying Tool” the purported mark, appearing in all lower-case letters, is used solely to describe the material from which the card is

made: “The new Visa Black Card – made of stainless steel – is the ultimate buying tool.”

A screenshot of this homepage is attached as Exhibit B hereto (also available at <https://www.blackcard.com/>). Other uses of the purported mark on this website similarly convey the same descriptive message (notwithstanding Applicant’s use of “SM” in connection with one of the three instances).

12. The term sought to be registered by Applicant in Application Number 86/025,189, “heavy metal,” is also descriptive on its face.

13. The exact phrase “heavy metal” is widely used to describe several existing credit cards using a heavy metal construction. For example, the website, [creditcardforum.com](http://creditcardforum.com), describes the Marriott Rewards Premier card, made of heavy metal, noting: “the solid heavy metal as it clings to the table, leaves quite the impression!” A screenshot of the page is attached as Exhibit C hereto (also available at <http://creditcardforum.com/rewards/1038-2014-marriott-credit-card-dont-apply-without-seeing.html>). Website [bizjournals.com](http://www.bizjournals.com) describes the Chase Sapphire Preferred card as: “a cool-looking card . . . fabricated of a heavy, metal-like substance.” A screenshot of the page is attached as Exhibit D hereto (also available at <http://www.bizjournals.com/bizjournals/blog/seat2B/2013/10/amex-sapphire-citi-among-top-cards.html?page=all>). Website [cardratings.com](http://www.cardratings.com) describes the AMEX Centurion Card as: “made from heavy metal and known to destroy feeble point-of-sale devices.” A screenshot of the page is attached as Exhibit E hereto (also available at <http://www.cardratings.com/does-platinum-really-reflect-dollar-amount-or-superb-credit-anymore.html>).

14. As Applicant has sought registration for its purported mark, HEAVY METAL, under Section 1(b) of the Lanham Act, 15 U.S.C. § 1051(b), asserting only an intent to use the mark, it cannot claim it has acquired distinctiveness in the mark.

15. To the extent Applicant has begun to use the purported HEAVY METAL mark, its use has not been sufficient to acquire distinctiveness, and, as a matter of fact, it has not acquired distinctiveness.

16. Other card providers, including AMEX, should not be prohibited from accurately describing their cards and affiliated services with the phrases sought to be monopolized by Applicant.

17. Registration should be refused pursuant to Section 2(e) of the Lanham Act, 15 U.S.C. § 1052(e), on the grounds that Applicant's MADE OF STAINLESS STEEL mark is merely descriptive – it purports to describe a credit card associated with the services that is literally made out of stainless steel – and Applicant has provided no evidence that its mark is has acquired distinctiveness, alleging only an intent to use the mark.

18. Alternatively, as AMEX is currently challenging Applicant's right to use a heavy metal construction for its credit cards and associated services in connection with Applicant's use of the licensed BLACK CARD mark, should Applicant express an intention to use this mark on non-metallic cards in the future, registration should be refused pursuant to Section 2(e) of the Lanham Act, 15 U.S.C. § 1052(e), on the grounds that any intent to use the MADE OF STAINLESS STEEL mark on future cards not made of a relatively heavy metal would be deceptively misdescriptive of any such cards and services.

19. Registration should be refused pursuant to Section 2(e) of the Lanham Act, 15 U.S.C. § 1052(e), on the grounds that Applicant's HEAVY METAL mark is merely descriptive – it purports to describe a credit card associated with the services that is literally made of heavy metal as compared with traditional plastic credit cards – and Applicant has provided no evidence that its mark is has acquired distinctiveness, alleging only an intent to use the mark.

20. Alternatively, as AMEX is currently challenging Applicant's right to use a heavy metal construction for its credit cards and associated services in connection with Applicant's use of the licensed BLACK CARD mark, should Applicant express an intention to use this mark on non-metallic cards in the future, registration should be refused pursuant to Section 2(e) of the Lanham Act, 15 U.S.C. § 1052(e), on the grounds that any intent to use the HEAVY METAL mark on future cards not made of a relatively heavy metal would be deceptively misdescriptive of any such cards and services.

WHEREFORE, AMEX believes it would be damaged by the registration by Applicant of the MADE OF STAINLESS STEEL mark for the services identified in Application Serial No. 86/025,189 or the registration by Applicant of the HEAVY METAL mark for the serviced identified in Application Serial No. 86/017,446, and respectfully requests that the Opposition be sustained, that registration of said marks be denied, and that the Trademark Trial and Appeal Board grant such other and further relief as it deems just and appropriate.

[remainder of page intentionally left blank]



Payment has been provided in the requisite amount to cover the statutory filing fee for filing Notices of Opposition. All communications should be addressed to AMEX's counsel, Debevoise & Plimpton LLP, at the address stated below.

Dated: May 19, 2014  
New York, New York

Respectfully submitted,

DEBEVOISE & PLIMPTON LLP

By: /Charles W. Baxter/  
David H. Bernstein  
Charles W. Baxter  
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New York, New York 10022  
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Attorneys for Opposer  
American Express Marketing &  
Development Corp.

# Exhibit A

## Starbucks \$450 steel card: class warfare in a coffee cup?

Starbucks \$450 gift card is made of stainless steel and will only be available in limited quantities through a luxury goods website. Is the Starbucks \$450 steel gift card a sign that Starbucks is going "1 percent" on us? Or is it just harmless, splurgy fun?

By Schuyler Velasco, Staff writer / December 5, 2012

Pedestrians walk past a Starbucks in West London on Dec. 3, 2012. Starbucks is launching a \$450 steel gift card, only available through the luxury goods retail website gilt.com. The launch comes just a week after the chain released its pricey \$7 cup of coffee.

David Goldman/AP/File

Enlarge

One-percenters need their coffee too, and Starbucks has just the thing.

### Related stories

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Weekly Digital Edition

The global coffee chain has just announced what will be the most opulent gift card ever: the Limited Edition Metal Starbucks Card. For a mere \$450, you can get the java enthusiast in your life \$400 worth of Starbucks coffee, plus a gold-level Starbucks membership (the extra cash pays for the card itself, which costs \$50 to make).

The cards will go on sale this Friday, Dec. 7. Just 5,000 will be produced initially, and they will only be available through the luxury goods website Gilt.com.

A gift card made of metal may be a little too reminiscent of the clunky tools and appliances used on "The Flintstones," but rest assured:

The company writes via email that the card only weighs 20 grams, about the same weight as eight pennies. Once you go through the \$400, it's refillable, and it comes with all the perks of a Starbucks Gold level membership, including a free birthday drink.

A \$400 gift card would keep the coffee flowing for a long time. USA Today has a nifty infographic showing how far the Steel Card would go depending on the drink: 106 Grande Frappuccinos, for example, or 205 Grande brewed coffees (without tax).

The card isn't Starbucks' first attempt to cater to a higher-end clientele. Just last week, the chain introduced a \$7 cup of regular 16-ounce coffee to 45 stores in the Pacific Northwest. A regular cup costs about \$2.20. Brewed from a super-rare coffee bean variety, the Costa Rica Finca Palmilera coffee is Starbucks' priciest brew ever.

The stainless steel Starbucks card is new territory for the gift card sector, though high-end credit cards are nothing new. The American Express Centurion Black Card, made of Titanium, is the most famous example, offering personal concierge service and travel agent for its high-spending members. In 2008, Master Card and a Kazakhstan-based bank launched a high spending-limit credit card inlaid with diamonds.

By those standards, the metal Starbucks Card is downright middle class. Still, some see it as an uncouth symbol of conspicuous consumption. "This is a card for the 1%," cultural anthropologist Robbie Blinkoff told USA Today. "It's all about status, and to tell you the truth, I don't know if I'd want to be seen with one of these."

But on Twitter, at least, the reaction has been mostly what the card is probably intended to generate in the first place: bemused interest.

"I don't want to be greedy... so I'll just need 1 of these," Tweets one user.

"who wants to buy me the new \$450 Starbucks gift card?? it's a solid investment...because it's made of steel," jokes another.

### Related stories

Are you middle class? Take our quiz to find out.

Are you a smart shopper? Take our quiz.

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You can find CSM Business Desk on Twitter.

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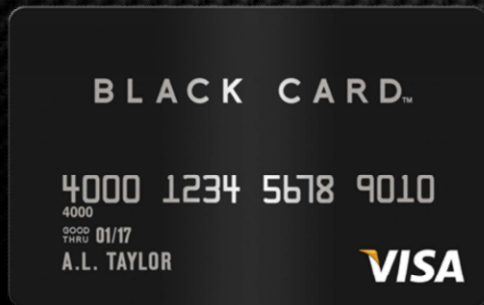
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# Exhibit B

APPLY BY PHONE: (866) BLACK CARD

SIGN IN

BLACK CARD™



PATENT PENDING DESIGN

WELCOME TO THE  
NEW VISA® BLACK CARD  
MADE OF STAINLESS STEEL<sup>SM</sup>

APPLY NOW

COMPARE

EARN 25,000 BONUS POINTS WHEN YOU SPEND \$1,500 IN THE FIRST 90 DAYS<sup>1</sup> | APPLY NOW**LUXURY GIFTS**

From the World's Top Brands →

**24-HOUR CONCIERGE**

For all of your needs →

**MADE OF STAINLESS STEEL**

Watch Television Ad →

**THE ULTIMATE BUYING TOOL**

The new Visa Black Card - made of stainless steel - is the ultimate buying tool. Cardmembers enjoy an industry-leading rewards program where points have double the value of American Express Platinum when redeemed for airfare (**Compare**). Members also receive VIP treatment at over 3,000 hotels, resorts and villas around the world as well as unlimited access to hundreds of airport lounges.

From the Ordinary to the Extraordinary™ - our Exclusive 24-hour Concierge Service is ready to assist with all of your personal, business and travel needs. Life is busy. You can focus on what is truly important while we handle everything else.

**BLACK CARD MEMBERS ENJOY:**

- Stainless Steel Card – Patent Pending
- An Industry-Leading Rewards Program<sup>2</sup>
- Exclusive 24-Hour Concierge Service
- VIP Treatment at over 3,000 Properties
- Unlimited VIP Airport Lounge Visits
- Members Only – *Black Card Magazine*
- Luxury Gifts from the World's Top Brands

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**\$495 Annual Fee<sup>3</sup>**

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APPLY NOW

COMPARE

NY 05:09PM LDN 10:09PM HK 05:09AM TYO 06:09AM

APPLY BY PHONE: (866) BLACK CARD

SIGN IN

BLACK CARD

EXCLUSIVE REWARDS 24-HOUR CONCIERGE BC BENEFITS **APPLY ONLINE**

and art.

**APPLY ONLINE | APPLY BY PHONE: (866) BLACK CARD**

BLACKCARD is a registered trademark used under license. © 2007-2014 Black Card LLC. Patent Pending. Visa Black Card is issued by Barclays Bank Delaware. All rights reserved. Membership is limited. See [Terms and Conditions](#) and [Privacy Policy](#).

<sup>1</sup> Bonus Points: Twenty-five thousand (25,000) Bonus Points will be awarded after at least \$1,500 in Net Purchases (that are not later returned or rescinded) in the first 90 days after account opening. Bonus Points will be posted at the close of your first billing statement after qualifying purchases are made. Balance Transfer Checks do not qualify for bonus points. The annual fee does not apply towards the \$1,500 in net purchases.

<sup>2</sup> Cardmembers can redeem points for 1% value on cash back, gift cards and merchandise. Cash back is provided in the form of an account credit. Cardmembers will receive 2% value when purchasing airline tickets through our Exclusive Rewards Program, and there is no minimum point requirement. For example, 15,000 points can be redeemed for a 1% statement credit toward a purchase of \$150 or more; and when redeeming points for airline ticket purchases through our Exclusive Rewards Program, your points will double in value and 15,000 points can be used to purchase an airline ticket for \$300.

<sup>3</sup> Offer subject to credit approval. This offer is available to new Cardmembers only. For information about rates, fees, the Annual Fee, other costs and the rewards program rules (including accrual rate, awards, etc.) and benefits associated with the use of this credit card program please see the [Terms and Conditions](#).



# Exhibit C



Closed Thread

Thread: 2014 Marriott Credit Card: Don't Apply Without Seeing This!

LinkBack Thread Tools Display

#1

CreditCardGuru

Administrator

Join Date: Mar 2008

Location: Austin, TX

Posts: 110

## 2014 Marriott Credit Card: Don't Apply Without Seeing This!

Should you apply for the Marriott Rewards® Premier Credit Card? If you like to stay in premium hotels for free, you might consider doing so -- but wait until you've read this review of the Chase Marriott rewards program before completing an application. It's important to understand all the new benefits that come with it so you don't miss out on any.

Marriott hotels give you elegant, modern rooms with all the amenities you want at a very fair price. But even if you frequently stay at their properties and have always loved the quality, you may not have been a fan of the Marriott Rewards Premier card in the past. Why? Because the program wasn't generous enough relative to other hotel reward cards. However, Chase apparently got the message and re-vamped the card. If you've ignored this card in the past, it's definitely time to take another look.



### Marriott Rewards® Premier Credit Card

▶ APPLY HERE

- Earn 50,000 Points after spending \$1,000 in your first 3 months from account opening
- Receive 1 Free Night Stay after account approval in category 1-4 locations, that's up to 7 Free Nights
- Receive 1 additional free night stay at a Category 1-5 location every year after your account anniversary date!
- Introductory Annual Fee of \$0 the first year, thereafter \$85
- For every \$1 spent, earn 5 points at 3,800 Marriott locations, 2 points on airline ticket purchases directly with airlines, at car rental agencies & restaurants and 1 point elsewhere
- Achieve Elite Status Faster with Annual Credit & Everyday Purchases - 15 Elite Credits after account approval and every year after your account anniversary
- Unlimited Point Accumulation
- No Foreign Transaction Fees and global Chip and Signature technology

Purchases		Balance Transfers		Regular APR	Annual Fee	Credit Needed
Intro APR	Intro Period	Intro APR	Intro Period			
N/A	N/A	N/A	N/A	15.99% (Variable)	\$0 Intro Annual Fee for the first year, then \$85	Excellent Credit

Here's the lowdown on the Chase Marriott Rewards Premier Visa Signature card:

- 5 points per dollar at 3,800 Marriott locations
- 2 points per dollar on airline tickets purchased directly with the airline, and at car rental agencies and restaurants
- 1 point per dollar elsewhere
- 15 Elite Credits towards your Elite status after account approval and every year after your account anniversary (that ensures you will always have *at least* Silver status.)
- Introductory Annual Fee of \$0 the first year, then \$85.
- Receive 1 Free Night after account approval (good for a category 1-4 location).
- [Use this link to earn 50,000 bonus pts + no annual fee for 1st year](#)

(just spend \$1,000 or more in your first three months from account opening to get the bonus points)

As you can see, the rewards are very generous and the annual fee is reasonable, especially considering the fact that every year after your account anniversary date, you get 1 free night stay that can be redeemed at a Category 1-5 property. For example, both the Renaissance Tuscanry Il Ciocco Resort & Spa in Italy and the Costa Rica Marriott San Jose are both Category 5 – so this benefit can be of great value. It's also worth mentioning that this Marriott credit card has chip and signature technology and no foreign transaction fees.

### Fast Track Your Elite Status

You get 15 Elite Credits after your credit card account is approved and then every year after your account anniversary date. That will ensure you have *at least* Silver Elite Status (which requires 10 Elite credits).

The perks you get with the Silver tier of Elite Membership (which come through Marriott, not the credit card) include:

- 20 percent bonus on base points earned during stays
- Priority late checkout when available
- Weekend discount at participating Courtyard & SpringHill Suites
- Private reservation line only for Elite members
- Plus other benefits

This is a huge advantage whether you travel a lot or a little...

**Frequent traveler?** You are fast-tracking your way to Gold/Platinum Elite by receiving 15 Elite credits thanks to your Marriott Premier card. This helps you reach the higher tiers more quickly, which give additional perks like free room upgrades, gifts/meals and more.

**Occasional traveler?** You have the privilege of being in the Silver Elite, a tier you normally may not reach on your own if you stay fewer than 10 nights per year.

And for purchases made with the Marriott Rewards credit card, you will earn 1 additional credit towards your Elite status for every \$3,000 spent.

Earn and redeem points at any of over 3,400 participating hotels in 68 countries and territories. The portfolio of 15 distinctive brands includes:

- The Ritz-Carlton®
- JW Marriott® Hotels & Resorts
- EDITION®
- Autograph Collection®
- Renaissance® Hotels
- AC Hotels by Marriott®
- Marriott® Hotels & Resorts
- Courtyard by Marriott®
- Fairfield Inn & Suites by Marriott®
- SpringHill Suites by Marriott®
- Residence Inn by Marriott®
- TownePlace Suites by Marriott®
- Marriott Vacation Club® International\*
- Marriott® Conference Centers\*

You can also earn points at these partner brands:

- Marriott® Executive Apartments
- Marriott ExecuStay®

### Visa Signature Benefits

This is a Signature level Visa card, which means you get a number of additional benefits for no additional cost. Consult Visa for the Terms and Restrictions.

- **24/7 concierge service** – You can call up concierge anytime for help with just about anything, such as planning a trip or event, restaurant advice and reservations, hunting down those hard to find tickets and much more.
- **Warranty Manager Service** – With this benefit you have the ability to get up to 1 additional year of coverage on eligible U.S. warranties of 3 years or less, for all eligible purchases paid for using your Chase Marriott credit card.
- **Purchase Security** – This benefit applies to all eligible items for the first 90 days from date of purchase. You're covered up to \$500 per claim (subject to yearly maximum) against theft, damage from fire/vandalism/accidentally discharged water, and some weather conditions.

Other benefits from Visa Signature include lost luggage reimbursement, travel accident insurance, auto

rental collision damage waiver, emergency card replacement, emergency cash disbursement and a few others. Consult Chase and Visa for benefit details, rules, and restrictions.

### How can you spend your points?

With the new Marriott Rewards credit card program you have quite a few options...

- **Marriott Hotel Stays** – Redeem your points for stays at Marriott locations. Each free night at a category 1 hotel is 7,500 points. The most you will ever pay is 45,000 points per night and that's for a category 9 (which are their cream-of-the-crop, most luxurious properties). So the points really give you bang for your buck when redeemed for free hotel stays.
- **Travel Packages and Services** – Spend your points on an all-inclusive getaway to the Caribbean with airfare, or cash them out for a Priority Pass airport lounge membership, professional golf training or just rounds on your own, plus many other options.
- **Airline Miles** – You have the option of converting your credit card points to miles... there are a couple dozen airlines participating. However this route won't yield the best value, so I don't recommend it unless you have more points than you know what to do with.
- **Car Rentals, Cruises and Trains** – You can convert your points to cruise certificates, rental cars and European train tickets.
- **Other options** – Use your Marriott Rewards to redeem for merchandise, give to charity, and more.

### 2014 Verdict?

As mentioned at the start of this review, the previous version of this card was not a compelling deal. But as you can see, the current Marriott credit card promotions/rewards give you a lot of benefits for very little money (the annual fee is \$85). In fact, you could make the argument this is the best hotel credit card on the market right now.

And the biggest surprise for last: **This card is actually made out of metal!**

When you set it down to pay the slick black finish, along with the solid heavy metal as it clings the table, leaves quite the impression! Don't be surprised if you get some "oohs" and "ahhs". And don't worry, your secret is safe with me... I won't tell them that you got this bad boy for almost \$5,000 less than what the AmEx "black card" costs!

As of May 2014, here is the most lucrative bonus offer available for the Marriott Rewards Premier Credit Card.

[Here's the link to earn 50,000 bonus points -AND- get no annual fee for your first year](#)

(Remember the spend requirement to earn the bonus points is only \$1,000 in first three months from account opening!)

Don't forget you also get one free night stay after account approval (good for a Category 1-4 location). And every year after your account anniversary date, you will receive one free night stay at a Category 1-5 hotel.

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About Marriott Hotels: Founded in 1927, the Marriott chain now consists of over three-thousand hotels across the world. They operate under different names, including Marriott, Courtyard, Fairfield Inn, Springhill Suites, and Ritz-Carlton. In addition to their normal motels, they also run extended-stay facilities like Residence Inn, as well as some timeshare resort properties. They issue their own card, the Marriott Rewards credit card, through Chase.

Disclaimer: Although this site advertises Chase cards, this review reflects my own opinions and has not been endorsed/reviewed by them. You should consult Chase directly for any rules, limitations, and exclusions related to the Marriott card program.

Today, 7:53 am



Closed Thread

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# Exhibit D

From the The Business Journals

:<http://www.bizjournals.com/bizjournals/blog/seat2B/2013/10/amex-sapphire-citi-among-top-cards.html>

Oct 24, 2013, 10:13am EDT Updated: Oct 26, 2013, 6:07am EDT

## Top credit cards for the savvy road warrior



[Joe Brancatelli](#)

Business Travel Columnist

Good news: **American Express** debuted a [swanky club at Dallas/Fort Worth Airport](#) last week, the second of at least three Centurion Lounges the credit card giant will open this year.

Better news: Amex now waives the [Centurion Lounge](#)'s \$50 entry fee for Platinum cardholders, a freebie once reserved for those who pay \$2,500 a year for the by-invitation-only, hush-hush, black-tinted American Express Centurion Card.

Best news of all: Amex's decision to give Platinum cardholders a free pass to the Centurion Lounges is the latest salvo in a credit card industry's pitched battle to capture the hearts, minds and wallets of the nation's high-spending business travelers.

Airline prices may be rising, hotel service is sometimes iffy and it's getting harder and harder to secure a low-mileage rental car. But the credit card industry is only doing better and better by business travelers. Hardly a day goes by when there isn't news about a new card benefit or a hefty "acquisition bonus" of points or miles to take a new travel-related card.

The battle for business-travel spending is now so intense that those of us who live our lives on the road need to constantly ask ourselves the question that [Alec Baldwin](#) poses in those omnipresent **Capital One** commercials: What **is** in our wallet? More importantly, are the cards that are there now the right ones given our travel patterns and the card industry's share-of-wallet war?

Your mileage (and spending) may vary, but here's how I see the current landscape. And while I'm no [Alec Baldwin](#), here's what I think should be in your wallet now.

### Amex Platinum, the gold standard

American Express no longer dominates the business-travel segment as it did when the first Amex Platinum card hit the market in 1984, but, 30 years on, the [Platinum card](#) remains the gold standard for frequent business travelers. Yes, the \$450-a-year fee seems daunting, but the travel benefits are incomparable. No card offers free access to as many airport clubs (more than 600 at last count), a perk conservatively worth about \$500 a year. Platinum will also kick back as much as \$200 in airline fees such as checked-bag charges. It will also rebate the \$100 charge for joining

[Global Entry](#), the government's customs bypass program. (Global Entry also helps you access TSA's PreCheck security-bypass system.) The card also confers gold-level status in [Starwood Preferred Guest](#) and executive-level standing in the [National Car Rental Emerald Aisle](#). There are no foreign-exchange fees on overseas purchases. And points accrued in [Amex Membership Rewards](#) can be transferred to more than a dozen airlines and a half-dozen hotel chains.

## Sapphire is the new black

The folks who run Chase's [Sapphire Preferred](#) portfolio seem to view it predominantly as a sort of cash-rewards card, but savvy business travelers know better. The five-year-old Sapphire Preferred is shaping up as a formidable and low-cost (\$95 annually, with the first year's fee waived) competitor to the Platinum Card. The basic benefits are strong (no foreign exchange fees, a 40,000-point acquisition bonus, alignment with **Visa's** superior global merchant acceptance) and the supplemental perks are extraordinary. You'll get double points on travel and restaurant charges and a 7 percent annual points bonus on all charges. What do all those points (called Ultimate Rewards) get you? An astonishing 1-to-1 transfer opportunity into the frequent flier programs of United and Southwest airlines as well as **British Airways**, Korean Air and Virgin Atlantic. Prefer hotel points? Chase's currency will transfer 1:1 to the **Marriott**, Hyatt and InterContinental frequent guest plans. You can even move them to Amtrak if you wish. And if you're into aesthetics, Chase Sapphire Preferred is a cool-looking card (no embossed numbers on the front) fabricated of a heavy, metal-like substance.

## One perk to rule them all

The Hilton HHonors frequent guest [plan is now horrifically devalued](#) and may no longer be useful for heavy business travelers. But Hilton has one thing going for it: more than 4,000 locations worldwide and about 600 more in the development pipeline. That means there are going to be times when Hilton has a hotel in a location where your preferred hotel brand does not. The solution: the [Citi Hilton HHonors Reserve card](#). Its \$95-a-year fee comes with HHonors Gold status, which usually requires 20 Hilton stays a year. At \$95, HHonors Gold via the credit card is a great insurance policy because it includes late check-out privileges, room upgrades, free Internet access and complimentary continental breakfast and/or snacks.

## Charge where you travel

Travelers who are loyal to particular hotel brands or airlines should also have one of the credit cards offered by their preferred lodging chain or carrier. For airlines, the "basic" (read: lowest annual fee) cards will probably do because they routinely offer perks such as a free checked bag and faster boarding. But if you regularly fly **United Airlines** (NYSE: UAL) and its [Star Alliance partners](#), consider the upgraded [United MileagePlus Club Card](#). The \$395-a-year card has very useful perks including membership in the United Club airport lounges and they're not accessible via the Amex Platinum card. The card also is free of foreign-exchange fees; allows you to book some MileagePlus awards without pricey, close-in booking fees; and gets you Silver Elite status with [Hyatt Gold Passport](#). There's also a \$100 statement credit when you first use the card and a hidden perk: **primary** car-rental coverage that allows you to decline the rental firms' expensive CDW waivers and bypass your own insurance if you're involved in an accident.

## A card for infrequent travelers



If you're not a frequent business traveler, you might be best with a cash-rewards card that focuses on points for purchases. Generally speaking, the best in that class remains the [Capital One Venture](#), the card so ubiquitously advertised by [Alec Baldwin](#). You'll receive two proprietary Capital One miles per dollar spent and they're worth as much as a penny a dollar when claiming travel via Capital One. The card is also free of foreign-exchange fees when you travel overseas. The annual fee (\$59) is modest and waived in the first year. You might also check out the [Chase Ink](#) line of cards. Depending on your purchase habits, they may offer a better payoff if your goal is free travel.

### **One gigantic caveat**

If you carry a heavy balance on your credit cards and pay interest charges, then forget all this talk of miles, points and perks. You need to focus on a card that offers the lowest interest charges. None of the perks mentioned here outweigh the high cost of the interest you're paying on your credit-card debt.

# Exhibit E

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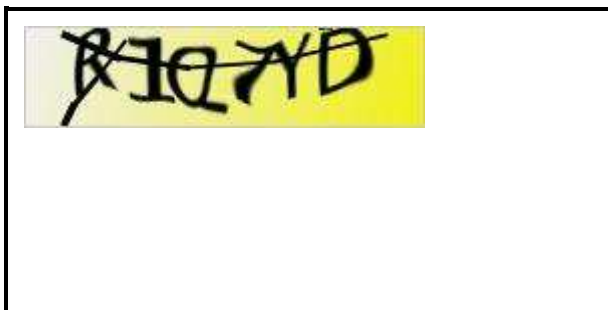
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## [Q: Does 'platinum' really reflect a dollar amount or superb credit anymore?](#)

Added December 17, 2013 from: Joe Taylor Jr.

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**Answered By Joe Taylor Jr.:**

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Not so much, unless you carry the original.

**Editor's Note:** This offer expired and is no longer available.

[American Express](#) "invented" the Platinum Card in 1984 as an attempt to fight off competition against its premium Gold Card. Instead of letting other companies poach their most valuable customers, executives at AmEx loaded up their invitation-only card with some of the industry's best perks.

The Platinum Card from American Express became a status symbol, and it's still recognizable to this day (even though you no longer have to wait for an invitation to apply). However, nearly every credit card issuer

on the market as borrowed the terminology for their [low-interest credit card](#) accounts. Banks figured out that assigning "platinum" status can help borrowers feel like big shots, even with cards that only carry \$300 credit limits.

Meanwhile, competing banks have rolled out other status levels to make their cards seem better than platinum. For instance, JPMorgan Chase now offers its private banking clients access to a Palladium Card. Bloomberg View columnist William D. Cohan figured out that the copper and palladium mixture used to make the card actually costs more than its annual fee. It's heavy, and we're pretty sure you can use it as a weapon, but it still packs pretty much the same feature set as the more accessible Chase Sapphire Preferred.

As for American Express, you can always push enough charges through a Platinum Card every year to get yourself considered for a Centurion Card. It's the [often-imitated black card](#) , also made from heavy metal and known to destroy feeble point-of-sale devices. If your line of work involves impressing clients with the sound your card makes when it hits a restaurant table, that's the account to aim for.

**Disclaimer:** The information in this article is believed to be accurate as of the date it was written. Please keep in mind that credit card offers change frequently. Therefore, we cannot guarantee the accuracy of the information in this article. Reasonable efforts are made to maintain accurate information. See the online credit card application for full terms and conditions on offers and rewards. Please verify all terms and conditions of any credit card prior to applying.

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This question is about: [Credit Card Types](#)

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